

ORDINANCE NO. 20070517-003

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AMENDMENT NO. 1 TO THE WATER SERVICE COST REIMBURSEMENT AGREEMENT WITH LENNAR BUFFINGTON ZACHARY SCOTT, L.P. FOR CONSTRUCTION OF WASTEWATER UTILITIES AND PUMP AND HAUL OPERATIONS TO SERVE THE ZACHARY SCOTT TRACT AT OLD LOCKHART HIGHWAY AND BRADSHAW ROAD; AND WAIVING CERTAIN REQUIREMENTS OF SECTIONS 25-9-63 AND 25-9-67 OF THE CITY CODE RELATING TO COST REIMBURSEMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. This ordinance applies to a request by Lennar Buffington Zachary Scott, L.P. to amend a cost reimbursement agreement dated February 17, 2005, between the City and Development Alliance of Texas, L.L.C., and assigned to Lennar Buffington Zachary Scott, L.P., to increase the not-to-exceed amount to reimburse the construction of wastewater utilities to serve the Zachary Scott Tract located in the south corner of the Old Lockhart Highway and Bradshaw Road intersection, to reimburse professional services costs and to reimburse pump and haul operation costs to serve the Zachary Scott Tract.

PART 2. The council authorizes the city manager to negotiate and execute an amended cost reimbursement agreement with Lennar Buffington Zachary Scott, L.P. in accordance with the following requirements:

- (A) Total cost reimbursement for the project may not to exceed \$4,620,999, to be made in one payment 90 days after final acceptance of the wastewater utilities project except as provided in (C);
- (B) For the 18-inch and 30-inch wastewater main and appurtenances ("wastewater utilities"):
 - (1) cost reimbursement for actual construction costs may not exceed \$3,696,000;
 - (2) cost reimbursement for engineering, design, and project management may not exceed the lesser of 15 percent of the actual construction costs or \$554,400;
- (C) For the original wastewater main improvements proposal of approximately 850 feet of 18-inch gravity wastewater main, 2,200 feet of 24-inch gravity wastewater main and 1,100 feet of 15 or 18-inch gravity wastewater main

